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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,763	10/17/2001	William Sanford	11009-0021	8838
22865 7590 09/07/2007 ALTERA LAW GROUP, LLC 6500 CITY WEST PARKWAY SUITE 100 MINNEAPOLIS, MN 55344-7704			EXAMINER AHMAD, NASSER	
			ART UNIT 1772	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/981,763	<b>Applicant(s)</b> SANFORD, WILLIAM	
	<b>Examiner</b> Nasser Ahmad	<b>Art Unit</b> 1772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The declaration filed on 6/18/2007 under 37 CFR 1.131 is sufficient to overcome the 35 USC 102(e) rejection over Riley (6685228) reference.

***Rejection Maintained***

2. Claims 32-33 and 37 are rejected under 35 U.S.C. 112, second paragraph, for reasons of record made in the Office Action of 12/27/2006.

***Response to Arguments***

3. Applicant's arguments filed 6/18/2007 have been fully considered but they are not persuasive.

Applicant should note that the phrase "said label sheet" in claim 32 is still indefinite for lack of antecedent basis.

***Rejections Withdrawn***

4. Claims 32-38 and 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Riley (6685228) made in the Office Action of 12/27/2006 has been withdrawn in view of the amendment filed on 6/18/2007.
5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riley made in the Office Action of 12/27/2006 has been withdrawn in view of the amendment filed on 6/18/2007.

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6. Claims 32-33 and 42-47 are rejected under 35 U.S.C. 112, first paragraph, made in the Office Action of 12/27/2006 has been withdrawn in view of the amendment filed on 6/18/2007

***Response to Arguments***

7. Applicant's arguments with respect to claims 32-43 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 32-38 and 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by MacWilliams (6385860)

MacWilliams discloses an alignable label system (100) comprising a label sheet (130) having a central split line (111), the label sheet having a perimeter line separating a label (101) from a second portion (outside the perimeter). The system further comprises a backing member (102) applied to the label and having a split line (111). An alignment

section on the second portion is separable from the label and includes an edge to conform to the edge of a folder (abstract).

The phrase “wherein when one portion ...affixed to the folder” is directed to an intended use of the claimed system and has not been given any patentable weight because said phrase is not found to be of positive limitation.

For claim 33, figure-2 shows that the curved edge (116a) is proximate at least one edge of the label.

Further, MacWilliams also discloses a method ( claim 34) of aligning and applying a label to the edge of a folder comprising the steps of removing a portion of the backing member from the label, aligning the alignment section to the edge of the folder, applying the label, peeling of the remaining backing member and folding the label over the edge (col. 4, lines 38-65).

For claim 35, the top side of the label is adapted for printing (col. 7, line 1).

As for claims 36-37, shown in figures 1 and 2, the curved edge is “S”-shaped.

For claim 38, the intended use phrases such as “for alignment of a label...a curved edge”, “when the portion of a backing...affixed to the folder”, etc. have not been given any patentable weight for said phrases are not found to be of positive limitations.

As for claim 40, the label is adhesive (col. 2, lines 36-37) on the surface contacting the backing member.

Figure-1 shows a plurality of labels (110, 112, 113) with die-cut lines therebetween (for claim 41).

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Regarding claim 42, the die-cuts (116a and 117) separates the second portion into first and second parts, and wherein the label split lines and at least in part, follows a curve which is substantially the same as the folder's curved edge as shown by line (116a) in figure-1.

For claim 43, the step of removing the backing sheet along the split line is disclosed in col. 4, lines 38-65.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacWilliams.

MacWilliams, as discussed above, fails to teach that the curved portion on the second portion is spaced from the label. It would have been obvious to one having ordinary skill in the art at the time the invention was made to space the label from the curved portion because, as seen in figure-1 of MacWilliams, the curved portion (116a) is perforated and hence, would have tie portions between the cut portions. The tie portions would provide for the spacing of the curved portion from the label.

***Response to Arguments***

12. Applicant's arguments filed 6/18/2007 have been fully considered but they are not persuasive.

Applicants' argument are found to be moot in view of the withdrawal of the rejection over Riley. As for the 35 USC 112, second paragraph rejection, applicant is directed to paragraphs 2 and 3 hereinabove.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

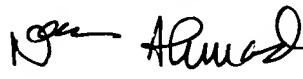
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-

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1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 9/3/07  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
September 2, 2007.